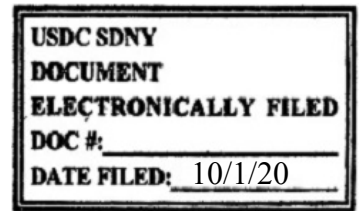


IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK



BETTY ROSE BARSА, FRANCIS BAX,  
AND ALL OTHERS SIMILARLY  
SITUATED,

*Plaintiffs,*

v.

BEACON HEALTH OPTIONS, INC.,  
BEACON HEALTH STRATEGIES LLC,  
AND VALUEOPTIONS FEDERAL  
SERVICES, INC.

*Defendants.*

Civil Action No. 1:19-cv-01646-JPO-BCM

**JOINT MOTION AND ~~[PROPOSED]~~ ORDER TO AMEND ORDER  
APPROVING THE FLSA SETTLEMENT AND DISMISSING THE  
ACTION WITH PREJUDICE**

Plaintiffs and Defendants, by and through their counsel, jointly request that the Court modify its September 28, 2020 Order approving the FLSA settlement and dismissing the action with prejudice. See ECF No. 149. In further support of this Motion, the parties state as follows:

1. The Parties' settlement agreement provides that the Participating Plaintiffs' claims will be dismissed with prejudice and that the claims of opt-in plaintiffs who do not become Participating Plaintiffs will be dismissed without prejudice. FLSA Settlement And Release Agreement, Section 7, ECF No. 139-1
2. Two of the forty-three plaintiffs – Theresa Gay and Jill Law – did not become Participating Plaintiffs.
3. The Parties request the Court modify its September 28, 2020 order (ECF No. 149) to provide the claims of Theresa Gay and Jill Law are dismissed *without* prejudice.

4. The Parties also request that the Court retain jurisdiction to administer and enforce the terms of the Parties' Settlement Agreement. FLSA Settlement And Release Agreement, Section 9(c), ECF No. 139-1.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

- (a) The Court modifies the Order dated September 28, 2020 (ECF No. 149) to provide Theresa Gay and Jill Law's claims are dismissed without prejudice.
- (b) The Court modifies the Order dated September 28, 2020 (ECF No. 149) to provide the Court will retain jurisdiction to administer and enforce the terms of the Parties' Settlement Agreement.

Date: September 30, 2020

Respectfully submitted,

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*Attorneys for Plaintiffs and Others  
Similarly Situated*

SO ORDERED

A handwritten signature in blue ink, appearing to read "Barbara Moses", is written over a horizontal line.

HON. BARBARA MOSES  
United States Magistrate Judge

Dated: October 1, 2020

The Clerk of Court is respectfully directed to close the letter-motion at Dkt. No. 150.